

Our Docket No: 05247P004D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric A. Holwitt

Application No: Not yet assigned

Filed: Concurrently Herewith

For: Compositions And Methods Of Use
Of 8-Nitroguanine

This is a Divisional of

Application No.: 09/850,646

Filed: May 7, 2001

Examiner: Not yet assigned

Art Unit: Not yet assigned

Examiner: Ozga, B.

Art Unit: 1651

PRELIMINARY AMENDMENT AND REMARK

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examining the above-referenced application, the Applicant respectfully requests the Examiner to enter the following amendment and to consider the following remark.

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Debbie Peloguin

Name of Person Mailing Correspondence

Deborah Peloguin

Signature

Nov. 12, 2001

Date

Docket No: 05247P004D
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Amendment

In the Specification:

Please insert as the first sentence of the specification --This is a divisional of application serial no. 09/ 850,646, filed on May 7, 2001, that has been allowed to issue. The issued patent claims the benefit of U.S. Provisional Application No. 60/203,062 filed May 9, 2000, which is incorporated herein by reference.--

In the Claims:

Please cancel claims 14, and 16-21 without prejudice or disclaimer as drawn to non-elected inventions of Groups II and III. Presented below are the claims in a clean-unmarked format.

- 1 1. A method for producing 8-nitroguanine, comprising:
 - 2 a) obtaining a suspension of guanine in acetonitrile;
 - 3 b) obtaining a solution of acetyl nitrate;
 - 4 c) adding the acetyl nitrate to the guanine suspension;
 - 5 d) reacting the acetyl nitrate with the guanine to form 8-nitroguanine; and
 - 6 e) collecting the 8-nitroguanine.
- 1 2. The method of claim 1, wherein the acetyl nitrate is obtained by a process
2 comprising, (i) cooling acetic anhydride on ice; and (ii) adding concentrated nitric
3 acid to the acetic anhydride to form acetyl nitrate.
- 1 3. The method of claim 1, wherein the reacting step comprises refluxing for about 4
2 hours.
- 1 4. The method of claim 1, wherein the collecting step comprises centrifugation of a
2 precipitate containing 8-nitroguanine.

1 5. A method for producing 8-nitroguanine, comprising:

2 a) obtaining a suspension of guanine in acetonitrile;

3 b) adding nitronium tetrafluoroborate to the guanine suspension;

4 c) reacting the nitronium tetrafluoroborate with the guanine to form 8-

5 nitroguanine; and

6 d) collecting the 8-nitroguanine.

1 6. The method of claim 5, wherein the collecting step comprises centrifugation of a

2 precipitate containing 8-nitroguanine.

1 7. The method of claim 6, wherein the collected precipitate is washed to remove

2 remaining nitronium tetrafluoroborate.

1 8. The method for producing 8-nitroguanine, comprising:

2 a) obtaining a suspension of guanine in trifluoroacetic anhydride;

3 b) adding concentrated nitric acid to the guanine suspension to form

4 trifluoroacetyl nitrate;

5 c) reacting the trifluoroacetyl nitrate with the guanine to form 8-

6 nitroguanine; and

7 d) collecting the 8-nitroguanine.

1 9. The method of claim 8, wherein the reacting step comprises stirring overnight at

2 room temperature.

1 10. The method of claim 8, wherein the collecting step comprises centrifugation of a

2 precipitate containing 8-nitroguanine.

1 23. (New) The method of claim 5, wherein the molar ratio of nitronium
2 tetrafluoroborate to guanine is 2:1 and wherein said reacting comprises refluxing
3 for about 12 hours.

1 24. (New) The method of claim 5, further comprising boiling the collected 8-
2 nitroguanine in 1 N HCl.

1 25. (New) The method of claim 24, further comprising washing the 8-nitroguanine.

1 26. (New) The method of claim 12, wherein said reacting comprises refluxing for
2 about 4 hours.

1 27. (New) The method of claim 12, wherein said collecting comprises centrifugation
2 of a precipitate containing 8-nitroguanine.

Remark

By this amendment, original claims 14, and 16-21 have been canceled without prejudice, and claims 22-27 have been added. The Examiner in the parent case has required that the scope of the subject matter in claims 1-13, 15, and 22-27 be the subject of a divisional contained herein.

Support for the new claims may be found in the specification at least as follows:

Claim 22 is supported at page 24, paragraph 00104.

Claims 23 and 24 are supported at page 27, paragraph 00117.

Claim 25 is supported at page 6, paragraph 0030.

Claim 26 is supported at page 5, paragraph 0027 and page 24, paragraphs 00103, 00104 and 00106.

Claim 27 is supported at page 6, paragraph 0030.

A clean copy of the pending claims following preliminary amendment is provided as Appendix A.

Conclusion

Applicants respectfully submit that claims 1-13, 15, and 22-27 do not introduce new subject matter and request that the claims be allowed.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard Nakashima at (303) 740-1980.

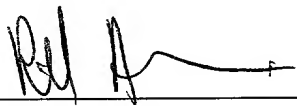
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Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: November 12, 2001



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- Abstract**